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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,472	01/29/2004	Christopher G. Walls	3962 P 019	3613

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,472

Applicant(s)

WALLS ET AL.

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/7/06 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11-14,16,17,19-24,26 and 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11-14,16,17,19-24 and 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/7/06 has been entered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: actuator "34" in Figures 10-12, as discussed in the amendment to page 8, set forth on page 4 of the reply. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: in the amendment to page 8, set forth in the reply on page 4, actuator "34 " is not shown in the drawings; furthermore, on page 4 of the reply, line 10, the phrase "As drive the internal" is not understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-3,5-8,11-14,16,17,19-24,26,28-35,37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification, drawings and claims are still confusing as to whether Applicant is trying to claim a kit type claim which includes both configurations wherein the adaptor is not used in a first configuration and the adaptor is used in a second configuration, or whether the first and second

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configurations are used in the same assembly, i.e. the top bolt uses the adaptor and the bottom does not. Currently, the drawings as amended disclose a known latch configuration without using an adaptor (the claimed "first configuration"), this is Applicant's admitted prior art of figures 1,2,10-12, and the drawings then show the use of the inventive adaptor to space the lock bolt from the actuator (the claims second configuration). Therefore, it would appear that the invention is in the adaptor and the first configuration claimed "lock assembly structure" is not the same as the second configuration claimed "lock assembly structure". Therefore, since there is only one "lock assembly" set forth in the preamble of the claims, it must necessarily claim one configuration or the other, not both. In claiming both configurations, the scope of the lock assembly is unclear and indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3,5,8,11-14,16,17,19-22,35,37 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al 5,660,420. Smith et al teach a conventional lock assembly comprising multiple bolts and a central actuator, and further teaches in col.2, line 60-67-col. 3, lines 1-4, that a conventional drive linkage is attached to the actuator plate 15 by a fastener, but that Smith employs an adaptor element 16 which attaches at

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one end to the actuator 15 and at the other end to a threaded lock bolt 17 to accommodate various door structures and dimensions. The adaptor 16 has an extended width portion 23,50 to be spaced from the actuator plate 15, with a threaded portion 51 to mate with the bolt 17.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 26,28-34,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Stoutenborough et al 6,209,931 in view of Smith et al 5,660,420. Von Stoutenborough clearly teaches the first configuration as discussed by Applicant in the specification and shown in the drawing Figures 1,2,10-12. Smith et al teach the adaptor element to change the lock bolt to a second configuration spaced from the drive linkage as discussed in column 2-col. 3 of Smith. Accordingly, it would have been obvious to one of ordinary skill in the art to provide the lock assembly of Von Stoutenborough with an adaptor as taught by Smith et al to accommodate various door structures as desired.

It is noted that the method limitations of claim 36 are inherent to the assembly taught by Smith et al at col. 2, lines 60-67 through col. 3, lines 1-4, but not shown, teaching the conventional assembly further taught explicitly by Von Stoutenborough.

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10. Claims 6,7,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al '420 in view of Hagstrom 1,094,143. Smith fails to teach an adaptor with a length between the actuator and lock bolt of between $\frac{1}{4}$ inch and $\frac{3}{4}$ inch. Hagstrom teaches a small adaptor 55, but is silent as to its' dimensions. It would have been an obvious matter of design choice to make the adaptor within the claimed range, since a modification would have involved a mere change in size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Response to Arguments

11. Applicant's arguments with respect to claims 1-3,5-8,11-14,16,17,19-24,26,28-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

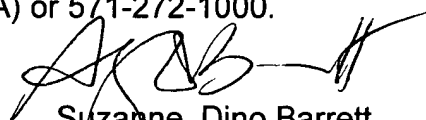
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the newly cited patents showing adaptors and threaded engagements between lock bolts and linkage members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb